

Substitute House Bill No. 5409

House of Representatives, March 20, 1998. The Committee on Public Health reported through REP. MCDONALD, 148th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ALLOWING LIMITED CHILD CARE IN RETAIL STORES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subsection (b) of section 19a-77 of the
2 general statutes is repealed and the following is
3 substituted in lieu thereof:

4 (b) For registration and licensing
5 requirement purposes, child day care services
6 shall not include such services which are:

7 (1) [administered] ADMINISTERED by a public
8 school system; [,]

9 (2) [administered] ADMINISTERED by a private
10 school which is in compliance with section 10-188
11 and is approved by the State Board of Education or
12 is accredited by an accrediting agency recognized
13 by the State Board of Education; [,]

14 (3) [recreation] RECREATION operations such
15 as but not limited to library programs, boys' and
16 girls' clubs, church-related activities, scouting,
17 camping or community-youth programs; [,]

18 (4) [informal] INFORMAL arrangements among
19 neighbors or relatives in their own homes,
20 PROVIDED THE RELATIVE IS LIMITED TO ANY OF THE
21 FOLLOWING DEGREES OF KINSHIP BY BLOOD OR MARRIAGE
22 TO THE CHILD BEING CARED FOR OR TO THE CHILD'S

23 PARENT: CHILD, GRANDCHILD, SIBLING, NIECE, NEPHEW,
24 AUNT, UNCLE OR CHILD OF ONE'S AUNT, OR UNCLE; [or]
25 (5) [drop-in] DROP-IN supplementary child
26 care operations where THE parents are on the
27 premises for educational or recreational purposes
28 and the child receives such care infrequently; OR
29 [. For purposes of subdivision (4) of this
30 subsection, the term "relative" is limited to any
31 of the following degrees of kinship by blood or
32 marriage to the child being cared for or to a
33 parent of the child: Child, grandchild, sibling,
34 niece, nephew, aunt, uncle or child of one's aunt
35 or uncle.]

36 (6) DROP-IN SUPPLEMENTARY CHILD CARE
37 OPERATIONS WHERE THE PARENTS ARE ON THE PREMISES
38 FOR RETAIL SHOPPING PURPOSES AND THE FOLLOWING
39 CONDITIONS ARE MET: (A) THE CHILD RECEIVES CARE
40 NOT MORE THAN TWO HOURS PER DAY; (B) THE
41 ESTABLISHMENT DOES NOT CHARGE A FEE FOR ITS CHILD
42 CARE SERVICES; (C) THE ESTABLISHMENT DOES NOT CALL
43 OR REFER TO ITSELF AS A DAY CARE CENTER OR AS
44 OPERATING A DAY CARE CENTER; (D) THE ESTABLISHMENT
45 DEVELOPS AND IMPLEMENTS A POLICY AND PROCEDURE ON:
46 (i) TRAINING REQUIREMENTS FOR CHILD-CARE
47 EMPLOYEES, (ii) MANDATORY BACKGROUND CHECKS ON
48 CHILD-CARE EMPLOYEES FOR CRIMINAL OFFENSES AND
49 ALLEGATIONS OF ABUSE OR NEGLECT, (iii)
50 CHILD-TO-STAFF RATIOS, (iv) LIMITS ON FREQUENCY
51 AND DURATION OF VISITS AND (v) HEALTH AND SAFETY
52 STANDARDS; (E) THE ESTABLISHMENT PROVIDES A COPY
53 OF THE POLICY AND PROCEDURE TO THE CHILD DAY CARE
54 COUNCIL ESTABLISHED UNDER SECTION 17b-748 AND TO
55 ANY PERSON REQUESTING IT; AND (F) THE
56 ESTABLISHMENT POSTS IN A CONSPICUOUS AREA THE NAME
57 OF THE INDIVIDUAL RESPONSIBLE FOR SUPERVISION OF
58 THE CHILD-CARE OPERATION AND A MEANS OF CONTACTING
59 THAT INDIVIDUAL IN PERSON AND BY TELEPHONE.

60 PH COMMITTEE VOTE: YEA 22 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5409

STATE IMPACT None, see explanation below

MUNICIPAL IMPACT None

STATE AGENCY(S) Department of Public Health

EXPLANATION OF ESTIMATES:

The Department of Public Health does not currently license any drop-in retail based supplementary child care operations, therefore, no fiscal impact will result from excluding any such entity from registration and licensing requirements.

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OLR BILL ANALYSIS

SHB 5409

AN ACT ALLOWING LIMITED CHILD CARE IN RETAIL STORES

SUMMARY: This bill exempts from child care licensing and registration requirements operations that care for children while their parents are shopping on the premises. The law already exempts such operations involving parents' educational or recreational activities. The bill limits children's stays to two hours per day and prohibits such operations from (1) charging a fee or (2) holding themselves out as day care centers. The establishment must conspicuously post the name and phone number of the child-care operation's supervisor and a way to meet that person.

The bill requires establishments (presumably retail

stores) offering drop-in operations to develop and implement policies and procedures on:

1. child-care employee training and mandatory background checks for criminal offenses and allegations of abuse or neglect,
2. child-to-staff ratios,
3. limits on the frequency and duration of stays, and
4. health and sanitary standards.

They must provide copies to (1) the Child Day Care Council (within the Department of Social Services for administrative purposes) and (2) anyone who requests one.

The bill makes technical changes.

EFFECTIVE DATE: October 1, 1998

BACKGROUND

Child Day Care Center License and Registration

Child day care operators must be licensed or registered by the Department of Public Health (DPH) unless exempted. DPH regulations require operators to confirm that children in their care have adequate, age-appropriate immunization and that the facility has at least 35 square feet of useable, indoor, free space for each child. The regulations also specify conditions under which employees may administer medicine to children in their care.

Other Exempt Child Care Operations

Five categories of child care operations are exempt from DPH licensing requirements: (1) services administered by a public school system, (2) services administered by an approved or accredited private school that reports to the commissioner of education, (3) recreational operations, (4) informal arrangements among neighbors or relatives, and (5) drop-in supplemental operations while parents are on the premises for recreational or educational purposes.

Related Bill

sSB 476, favorably reported by the General Law Committee, exempts from DPH licensing and registration requirements supplemental day care operations caring for children while the parents are on the premises for retail food shopping purposes. Like SHB 5409, it prohibits such operations from charging a fee and limits stays to two hours per day. In addition, it (1) limits their hours of operation from 6 a.m. to 9 p.m., (2) limits care to children ages three to 10, (3) requires at least a 1:10 staff-to-child ratio (with at least one staff person over 19 years old), (4) requires proof of immunizations, and (5) requires police background checks for employees.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute
Yea 22 Nay 0